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OFFICE OF PETITIONS

In re Application of

Garrison, et al.

Application No. 10/783,217

Filed: February 20, 2004

Attorney Docket No. 13854.4003

FOR: METHODS AND APPARATUS FOR
LOCALIZED AND SEMI-LOCALIZED DRUG
DELIVERY

DECISION GRANTING
PETITION

This is a decision on the petition entitled, "PETITION FOR REIMBURSEMENT OF ADDITIONAL FEES PAID TO RESPOND TO NOTICE OF INCOMPLETE REPLY," filed December 2, 2004 (certificate of mailing date November 30, 2004). The petition will be treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application was filed on February 20, 2004. On May 14, 2004, the Office of Initial Patent Examination mailed a Notice requesting, *inter alia*, replacement drawings in compliance with 37 CFR 1.83 and 1.121.

On October 18, 2004 (certificate of mailing date October 14, 2004), petitioners filed, *inter alia*, a three month extension of time and required \$490.00 fee and 25 sheets of replacement drawings, as shown by applicants' datestamped itemized postcard receipt. However, only 24 sheets of drawings filed on October 18, 2004 are present in the application file. Page 21/25 is missing. As a result, the Office reiterated its request for replacement drawings of Figures 20A-C, which were the figures depicted on the missing sheet of drawings (p. 21/25), in a Notice of Incomplete Reply (Nonprovisional) dated November 4, 2004.

In response to the November 4, 2004 Notice, petitioners filed a copy of drawing p. 21/25 and the Office charged a \$1,040.00 five month extension of time fee to their deposit account.

Petitioners request a refund of only \$550.00, which represents the difference in fees paid for the three month extension of time versus the five month extension of time. However, petitioners are entitled to a \$1,040.00 five month extension of time refund because they have shown that Figures

20A-C were indeed filed on October 18, 2004 (certificate of mailing date October 14, 2004) and later misplaced in the Office. Thus the October 18, 2004 (certificate of mailing date October 14, 2004) response was complete.

The petition for refund is **GRANTED**. No petition fee has been or will be charged in connection with this matter.

A review of Office financial records for this application reveals that **on April 4, 2005, deposit account no. 15-0665 was refunded \$1,040.00.**

After the mailing of this decision, the application will be forwarded to Technology Center 3763 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.



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